

AMENDED IN SENATE MARCH 24, 2015

**SENATE BILL**

**No. 265**

---

**Introduced by Senator Gaines**

February 18, 2015

---

~~An act to amend Section 4212 of the Public Resources Code, relating to fire prevention. An act to add Section 6254.34 to the Government Code, relating to public records.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 265, as amended, Gaines. ~~Fire prevention fee. Camera footage: private residence: limited disclosure.~~

(1) *The California Public Records Act requires that public records be open to inspection at all times during the office hours of a state or local agency and that every person has a right to inspect any public record, except as specifically provided. The act further requires that a reasonably segregable portion of a public record be available for inspection by any person requesting the public record after deletion of the portions that are exempted by law.*

*This bill would, notwithstanding any other law, prohibit the disclosure of camera footage of the inside of a private residence, except for requiring disclosure to an occupant of the private residence. The bill would define terms for its purposes.*

(2) *Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

*This bill would make legislative findings to that effect.*

(3) *The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.*

*This bill would make legislative findings to that effect.*

(4) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law requires the State Board of Forestry and Fire Protection, on or before September 1, 2011, to adopt emergency regulations to establish a fire prevention fee in an amount not to exceed \$150 to be charged on each habitable structure on a parcel that is within a state responsibility area, as defined, and authorizes the board to annually adjust the fire prevention fee using prescribed methods.~~

~~This bill would make a nonsubstantive change to that law.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 6254.34 is added to the Government Code,  
2     to read:  
3     6254.34. (a) Notwithstanding any other law, camera footage  
4     of the inside of a private residence is confidential and shall not be  
5     disclosed, except that camera footage shall be disclosed to an  
6     occupant of the private residence.  
7     (b) The following definitions shall apply to this section:  
8     (1) "Camera footage" means any recording of video, audio, or  
9     both, in a digital or analog format.  
10    (2) "Occupant" means any person with the legal right to reside  
11    in the private residence, including, but not limited to, a tenant.  
12    SEC. 2. The Legislature finds and declares that Section 1 of  
13    this act, which adds Section 6254.32 to the Government Code,  
14    imposes a limitation on the public's right of access to the meetings  
15    of public bodies or the writings of public officials and agencies

1 *within the meaning of Section 3 of Article I of the California*  
2 *Constitution. Pursuant to that constitutional provision, the*  
3 *Legislature makes the following findings to demonstrate the interest*  
4 *protected by this limitation and the need for protecting that*  
5 *interest:*

6 *The need to protect individual privacy from the public disclosure*  
7 *of images captured by camera footage of the inside of a private*  
8 *residence outweighs the interest in the public disclosure of that*  
9 *information.*

10 *SEC. 3. The Legislature finds and declares that Section 1 of*  
11 *this act, which adds Section 6254.32 to the Government Code,*  
12 *further, within the meaning of paragraph (7) of subdivision (b)*  
13 *of Section 3 of Article I of the California Constitution, the purposes*  
14 *of that constitutional section as it relates to the right of public*  
15 *access to the meetings of local public bodies or the writings of*  
16 *local public officials and local agencies. Pursuant to paragraph*  
17 *(7) of subdivision (b) of Section 3 of Article I of the California*  
18 *Constitution, the Legislature makes the following findings:*

19 *Protecting the privacy of an occupant whose private residence*  
20 *is captured on camera footage by local law enforcement and other*  
21 *local governmental entities enhances public safety and the*  
22 *protection of individual rights, thereby furthering the purposes of*  
23 *Section 3 of Article I of the California Constitution.*

24 *SEC. 4. No reimbursement is required by this act pursuant to*  
25 *Section 6 of Article XIII B of the California Constitution because*  
26 *the only costs that may be incurred by a local agency or school*  
27 *district under this act would result from a legislative mandate that*  
28 *is within the scope of paragraph (7) of subdivision (b) of Section*  
29 *3 of Article I of the California Constitution.*

30 ~~SECTION 1. Section 4212 of the Public Resources Code is~~  
31 ~~amended to read:~~

32 ~~4212. (a) (1) By September 1, 2011, the board shall adopt~~  
33 ~~emergency regulations to establish a fire prevention fee for the~~  
34 ~~purposes of this chapter in an amount not to exceed one hundred~~  
35 ~~fifty dollars (\$150) to be charged on every habitable structure on~~  
36 ~~a parcel that is within a state responsibility area.~~

37 ~~(2) The Legislature finds and declares that a fire prevention fee~~  
38 ~~of not more than one hundred fifty dollars (\$150) is a reasonable~~  
39 ~~amount for the necessary fire prevention activities of the state that~~

1 benefit the owner of a habitable structure within a state  
2 responsibility area.

3 (b) On July 1, 2013, and annually thereafter, the board may  
4 adjust the fire prevention fees imposed pursuant to this chapter to  
5 reflect the percentage of change in the average annual value of the  
6 Implicit Price Deflator for State and Local Government Purchases  
7 of Goods and Services for the United States, as calculated by the  
8 United States Department of Commerce for the 12-month period  
9 in the third quarter of the prior calendar year, as reported by the  
10 Department of Finance.

11 (c) Emergency regulations adopted pursuant to subdivision (a)  
12 shall be adopted in accordance with the rulemaking provisions of  
13 the Administrative Procedure Act (Chapter 3.5 (commencing with  
14 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
15 Code). The adoption of emergency regulations shall be deemed  
16 an emergency and necessary for the immediate preservation of the  
17 public peace, health, and safety, or general welfare.